

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIM A. MATHERS,

Plaintiff,

v.

BARCLAYS BANK DELAWARE, et al.,

Defendants.

No. 1:22-cv-01242-ADA-SKO

ORDER DIRECTING THE CLERK TO
TERMINATE DEFENDANT EQUIFAX
INFORMATION SERVICES, LLC

(Doc. 14)

On March 7, 2023, Plaintiff filed a notice of voluntary dismissal with prejudice of Defendant Equifax Information Services, LLC (“Equifax”) pursuant to Federal Rule of Civil Procedure 41. (Doc. 14.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111 F.3d

1 688, 692 (9th Cir. 1997).

2 Plaintiff filed this notice before Defendant Equifax served either an answer or a motion for
3 summary judgment. (See Docket.) As such, Plaintiff has voluntarily dismissed Defendant Equifax
4 with prejudice, and this case has automatically terminated as to that defendant. Fed. R. Civ. P.
5 41(a)(1)(A). Accordingly, the Clerk of Court is directed to TERMINATE Defendant Equifax.

6 This case shall remain OPEN pending resolution of Plaintiff's case against the remaining
7 defendant, Barclays Bank Delaware.

8
9 IT IS SO ORDERED.

10 Dated: **March 8, 2023**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE